11 June 1997

ENGLISH ONLY

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

AD HOC GROUP ON ARTICLE 13
Fifth session
Bonn, 28-30 July 1997
Item 3 of the provisional agenda

SCOPE AND ELEMENTS OF THE PROCEDURE OF ANY PROPOSED MECHANISM

Submissions from Parties

Note by the secretariat

At its fourth session, the Ad Hoc Group on Article 13 invited Parties to submit by 1 June 1997 any proposals they might have on the compilation text contained in annex II of the Report on the session (FCCC/AG13/1997/2 para. 13 (c)). Two such submissions* have been received.

In accordance with the procedure for miscellaneous documents, these submissions are attached and are reproduced in the language in which they were received and without formal editing.

FCCC/AG13/1997/MISC.2
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* In order to make these submissions available on electronic systems, including the World Wide Web, these contributions have been electronically scanned and/or retyped. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

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PAPER NO. 1: REPUBLIC OF UZBEKISTAN

AD HOC GROUP ON ARTICLE 13

PROPOSALS OF THE REPUBLIC OF UZBEKISTAN

Framework of document for the Establishment of Multilateral Consultative Committee on the decision of issues on Convention implementation can be adopted in the form as presented in Annex II of Report at 4th session AG13.

Multilateral Consultative Process

Establishment

1. A multilateral consultative committee on permanent basis is established by Conference of the Parties.

- establishment on permanent basis is proposed for ensuring the succession.

Objective

2. The objective of the committee will be to provide Parties with advice on questions regarding the implementation of the convention with a view to :

(a) Assisting individual Parties in their implementation and promoting understanding of the convention;

(b)

- combined with (a) as revealing the stages of integrated process;

(c) preventing disputes from arising and avoiding possible;

(d) finding solutions in form of recommendations taking into account the decisions of other Subsidiary Bodies;

- enlarged for giving constructive character to process of decision search;

(e)

- eliminated as duplicating item (a).

Mandate

3. To this end it will consider:

(a) providing consultative assistance to Parties in relation to difficulties they encounter in the course of implementation including :

(i) clarification of questions; and

(ii) assistance to the developing country Parties, in accordance with Article 12.7;

- fragment is abolished as presenting the content of Article 12.7.

(b) in consultation with the Party or Parties concerned, submissions made by a Party or Parties and all other relevant information which is to be made available to it by COP, by Convention bodies or secretariat; and

- item is supplemented by specification of by Convention bodies;

(c)

- to present in the next edition : "tasks, within the framework its competence, entrusted to it by the COP".

4. The committee will not in any way duplicate activities performed by other Convention bodies.

5. The process will be separate form, and without prejudice to, the provisions of Article 14.

Nature

6. The process will be conducted in facultative, co-operative, non-confrontational, transparent, timely manner, and be non-judicial, constructive and expert.

- the adding of expert and constructive emphasises the character of process.

Size

7. It will consist of 10 members.

Expertise

8. It will comprise persons nominated by governments, acting in their individual capacity who are experts in social, economic, legal, technical, scientific and technological and environmental fields in field on the Convention.

- the second version is chosen as being of more general character.

Constitution

9. Its members will be elected by the COP for two years based on equitable geographical distribution and the principle of rotation. The chairmen of the subsidiary bodies may participate in meetings of the committee as observers. The committee may draw upon a roster of experts.

- the preferred versions has been chosen.

Deliberations

10. The Committee will meet at least once a year. Meetings of committee will whenever practicable, take place in conjunction with sessions of the COP or its Subsidiary Bodies.

Governance

11. It will report to each ordinary session of the COP on all aspects of its work, with a view to the COP taking whatever decisions it considers necessary.

How issues would be taken up

12. It will consider and report on any submission made by one or more Parties, references made to it by the COP, SBI or SBSTA and information provided by secretariat regarding implementation of obligations any Party.

Outcome

13. The conclusions and any recommendations of the committee will be sent to the Party, or Parties, concerned for its, or their consideration. Such conclusions and recommendations will include, as appropriate, elements relating to the cooperation between the Party or Parties, concerned and others to further the objectives of the Convention.

The conclusions and recommendations will be subject to the consent of the Party, or Parties, concerned. The committee will,m in addition, make its conclusions and recommendations available to the COP in due time before its sessions.

Evolution

14. The functions and mandate of the committee may be further elaborated by the COP to take account of any amendment to the Convention, any decisions of the COP or experience gained with the working of process.

PAPER NO. 2: SWITZERLAND

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

AD HOC GROUP ON ARTICLE 13 (AG13)
Fifth Session, Bonn, 28 - 30 July 1997

PRELIMINARY* COMMENTS ON THE FRAMEWORK COMPILATION PROPOSED BY THE CHAIRMAN IN THE REPORT OF THE FOURTH SESSION OF THE AG13

Annex II

MULTILATERAL CONSULTATIVE PROCESS

~~[Establishment]~~
Principle

1. A ~~multilateral consultative~~ [standing] ~~[ad hoc]~~ committee is hereby established **as an Executive Body of the Subsidiary Body for Implementation to conduct the multilateral consultative process referred to in article 13 of the Convention** ~~by the Conference of the Parties. [....]~~

[Objective]

2. The objective of the **process** ~~Committee is will be~~ to provide Parties ~~[on [their] request]~~ with advice **and support** on questions regarding the implementation of the Convention, **its Protocols and the decisions of their governing bodies** with a view to:

[(a) ~~[facilitating~~ **promoting** implementation **by individual Parties** of the Convention, **its Protocols and the decisions of their governing bodies** ~~by individual Parties]~~
~~[assisting individual Parties in their implementation of the Convention];]~~

[(b) promoting understanding of the Convention, **its Protocols and the decisions of their governing bodies, including of articles and decisions which do not contain any specific commitment**;]

[(c) preventing disputes from arising.~~;~~]

~~[(d) finding solutions;] and~~

~~[(e) providing assistance to Parties to promote the process of implementation of the Convention].~~

3. To this end it will consider **questions regarding the implementation of the Convention, its Protocols and the decisions of their governing bodies, submitted in accordance with § 11, including:**

~~[(a) addressing concerns and difficulties encountered by Parties in the implementation of the Convention, its Protocols and the decisions of their governing bodies; providing assistance to Parties in relation to difficulties they encounter in the course of implementation including:~~

~~(i) clarification of questions; and~~

~~(ii)~~

(b) on request, assistance to the developing country Parties, in accordance with Article 12.7, **in procuring** of technical and financial support in compiling and communicating information, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4;

~~[(b) in consultation with the Party or Parties concerned, submissions made by a Party or Parties and all other relevant information [which is to be made available to it by other Convention bodies];] and~~

~~[(c) any tasks entrusted to it by the COP].~~

4. The Committee will not in any way duplicate activities performed by other Convention bodies.

5. The process will be separate from and without prejudice to, the provisions of Article 14.

Nature

6. The process will be conducted in a facilitative, cooperative, non-confrontational, transparent, [timely] manner, and be non-judicial. ~~[Concerned Parties will be entitled to participate fully in the process.]~~

Size

Characteristics of the standing committee

7. It ~~will [be open ended]~~ consists of ~~[5] [10] [15] [25]~~ members **elected by the Conference of the parties for two years, half of them being elected each year, based on equitable geographical basis and the principle of rotation.**

~~Expertise~~

8. It ~~will~~ comprises government representatives ~~[persons nominated by governments acting in their individual capacity]~~ who are experts [in social, economic, legal, technical, scientific and technological, and/or environmental fields] ~~[with relative knowledge] in the field of~~ **relevant to** the Convention.

~~Constitution~~

9. ~~Its members will be elected by the COP for [one] [two] [three] years based on equitable geographical distribution [and the principle of rotation] [other arrangement ...].~~ **The Party/Parties concerned is/are entitled to participate fully in the process until the stage of elaboration of conclusions and any recommendations.**
The chairmen **of the Conference of the Parties and of its** ~~of the~~ subsidiary bodies ~~[will be ex-officio members of the committee]~~[may participate in meetings of the committee as observers]~~.~~
[The Committee may draw upon **the expertise of and information communicated to other bodies established under the Convention and its Protocols as well as upon** a roster of experts [set up by it].] ~~[It may draw upon the expertise of other bodies established under the Convention] [and] [or] [establish ad hoc panels].]~~

~~Deliberations~~

10. The Committee will meet ~~[at least once a year]~~ [as and when necessary, **but at least once a year**]. Meetings of the committee will, whenever practicable, take place in conjunction with sessions of the COP or its subsidiary bodies.

~~Governance~~
Procedures

~~11. It will report [[regularly] to the COP] [to each ordinary session of the COP] [through the SBI] on all aspects of its work, with a view to the COP taking whatever decisions it considers necessary.~~

~~How issues would be taken up~~

~~12.~~ **11.** **The committee** ~~It~~ will ~~[receive,]~~ consider and report on any submission made by ~~[a Party on its own request,]~~ [one or more Parties,] ~~[and references made to it by~~ the COP **or its subsidiary bodies. The committe may consider and report on submissions made by the Secretariat.** ~~, SBI or SBSTA], [and information provided by the secretariat regarding implementation of obligations by any Party].~~ [Such [submissions], ~~[references]~~ ~~[and information]~~ shall be supported by specific corroborating information.]
At its first session, the Committee will adopt its own rules of procedure.

~~Outcome~~

Conclusions

~~13.~~ **12.** The conclusions and any recommendations of the committee will ~~be sent to the Party, or Parties, concerned for its, or their, consideration. Such conclusions and recommendations will~~ include, as appropriate, elements relating to:

(a) appropriate [assistance] **in accordance with article 12.7**, [support] and [encouragement]**and clarification**;

(b) cooperation between the Party, or Parties, concerned and others to further the objectives of the Convention, **its Protocols and the decisions of their governing bodies**.

~~[The conclusions and recommendations will be subject to the consent of the Party, of Parties, concerned.]~~. The committee will, ~~in addition~~, make its conclusions and recommendations available to the COP [through the SBI] in due time before ~~its~~ [their] sessions **with a view to the Conference of the Parties taking whatever decisions it deems necessary including, as a last resort, making the provision of assistance contingent on the respect of a particular obligation in the future, issuing cautions and/or suspension of specific rights and privileges under the Convention and its Protocols.** .

Evolution

~~14.~~ **13.** The functions and [terms of reference] [mandate] of the committee may be further [elaborated] ~~[amended]~~ by the COP to take account of [any amendment to the convention], [any decision of the COP] or [experience gained with the working of the process]~~.~~]

* These comments have been adapted to the actual stage of discussion. They will require further elaboration and specification as the Group advances in its work.

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1 August 1997

ENGLISH ONLY

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Ad Hoc Group on Article 13
Fifth session
Bonn, 28-30 July 1997
Item 3 of the provisional agenda

SCOPE AND ELEMENTS OF THE PROCEDURE OF ANY PROPOSED MECHANISM

Submissions from Parties

Addendum

Note by the secretariat

1. At its fourth session, the Ad Hoc Group on Article 13 (AG13) invited Parties to submit by 1 June 1997 any proposals they might have on the compilation text contained in annex II of the Report on the session (FCCC/AG13/1997/2 para. 13 (c)). Two such submissions were received in June 1997 and have been published (FCCC/AG13/1997/MISC.2). One additional submission* has been received.

2. In accordance with the procedure for miscellaneous documents, this submission is attached and is reproduced in the language in which it was received and without formal editing.

FCCC/AG13/1997/MISC.2/Add.1

GE.97-70241

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1.	Netherlands (on behalf of European Community and its member States) (Submission dated 29 July 1997)	3

MULTILATERAL CONSULTATIVE PROCESS

MULTILATERAL CONSULTATIVE PROCESS

[Establishment]

1. In conformity with Article 13 of the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention", a multilateral consultative process, hereinafter referred to as "the process", is hereby established by the Conference of the Parties.

[Objective]

2. The objective of the process is to provide Parties to the Convention on their request with advice on questions regarding the implementation of the Convention, with a view to:

(a) facilitating implementation of the Convention by individual Parties;

(b) promoting understanding of the Convention;

(c) preventing disputes from arising;

(d) find solutions for difficulties encountered by Parties in the implementation of the Convention.

[Nature and scope]

3. The process shall be conducted in a facilitative, cooperative, non-confrontational, transparent, timely manner, and be non-judicial. Parties concerned will be entitled to participate fully in the process.

4. The process will be separate from, and without prejudice to, the provisions of Article 14.

[Committee]

5. To further the objective of the process, a Multilateral Consultative Committee, hereinafter referred to as "the Committee", is hereby established.

[Mandate]

6. The Committee shall consider:

(a) [illegible] Party or Parties, and all other relevant information, which is to be made available to it by other Convention bodies;

(b) providing assistance to Parties in relation to difficulties they encounter in the course of implementation, including:

(i) clarification of questions; and

(ii) advice and recommendations on technical and financial aspects related to the solution of these difficulties; and

(c) any tasks entrusted to it by the COP.

7. The Committee will not in any way duplicate activities performed by other Convention bodies.

[Size]

8. The Committee will consist of 10 members.

[Expertise]

9. The members will be persons, nominated by governments, acting in their individual capacity, who are experts with relevant knowledge in the field of the Convention. The Committee may draw upon such outside expertise as it deems necessary.

[Constitution]

10. The members will be elected by the CoP for a term which coincides withe the period between two meetings of the CoP, based on equitable geographical distribution and the principal of rotation. They may be reelected for one additional term only. The chairmen of the other subsidiary bodies of the CoP may be invited by the Committee to participate as observers in the meetings of the Committee.

[Deliberations]

11. The Committee will meet at least once a year, and in the interim as and when necessary. Meetings of the Committee will, whenever practicable, take place in conjunction with sessions of the CoP or its subsidiary bodies.

[How issues would be taken up]

12. The Committee will receive, consider and report on any submission made by one or more Parties and references made to it by the CoP. Such submissions or references shall be supported by specific corroborating information.

13. The conclusions and recommendations of the Committee will be sent to the Party or Parties concerned, for its or their consideration. The opinion of the Party or Parties concerned, insofar as it differs from these conclusions and recommendations, will be fully reflected in the report on the matter.

[Governance]

14. The Committee will report to the CoP on all aspects of its work, in due time before its sessions, with a view to the CoP taking whatever decisions it considers necessary. Its conclusions and recommendations will also be made available to the SBI.

[Evolution]

15. The functions and mandate of the Committee may be further elaborated by the CoP to take account of changing circumstances or experience gained with the working of the process.

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